

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NEXT PAYMENT SOLUTIONS INC.,
Plaintiff,
-vs-
CLEARRESULT CONSULTING, INC.,
Defendant.

Case No. 17 C 8829
Chicago, Illinois
May 8, 2019
10:13 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE CHIEF JUDGE RUBEN CASTILLO

APPEARANCES:

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1 (Proceedings heard in open court:)

2 THE CLERK: 17 C 8829, NEXT Payment versus CLEAResult
3 Consulting.

10:13:15

4 MS. ARMSTRONG: Good morning, Your Honor. Shannon
5 Armstrong from Holland & Knight for defendant CLEAResult
6 Consulting.

7 MR. DONOHUE: Matt Donohue also with Holland & Knight
8 on behalf of CLEAResult.

10:13:24

9 MS. BOGART: Susan Bogart on behalf of plaintiff,
10 Your Honor.

11 THE COURT: Okay. What we're doing is handing you an
12 order that I've entered today, which is three pages long,
13 which is going to resolve all your pending motions for now.

10:13:39

14 So why don't you read it. We're going to deal with
15 the next case. Then we'll recall this case if you have any
16 questions.

17 MS. ARMSTRONG: Thank you, Your Honor.

18 MR. DONOHUE: Thank you.

19 (Case passed at 10:13 a.m. and recalled at 10:26 a.m. as
20 follows:)

21 THE CLERK: 17 C 8829, NEXT Payment versus CLEAResult
22 Consulting.

23 THE COURT: Good morning.

24 MS. ARMSTRONG: Good morning, Your Honor.

10:26:58

25 MR. DONOHUE: Good morning.

1 MS. ARMSTRONG: We have one clarification from the
2 order --

3 THE COURT: Sure.

10:27:03

4 MS. ARMSTRONG: -- Your Honor, and that is to confirm
5 that the date for the motions *in limine*, which was scheduled
6 to be the same as the pretrial order, would also be moved to
7 July 9th, 2019.

8 THE COURT: They will be moved.

9 MS. ARMSTRONG: Thank you.

10:27:12

10 THE COURT: Thank you.

11 MS. BOGART: And, Judge --

12 THE COURT: Yes.

13 MS. BOGART: -- we do have --

10:27:19

14 THE COURT: And I'm vacating the existing trial date.
15 You know, that's a given.

16 But go ahead, keep going, Ms. Bogart.

10:27:34

17 MS. BOGART: Yeah. We had hoped, Judge, obviously to
18 have responded to the motion for sanctions in part because --
19 and among the things that we would have identified, and I'm
20 not saying that the Court should reconsider necessarily, but,
21 you know, the defendants had multiple opportunities to depose
22 my client, which they did for two days. They didn't ask any
23 questions about trade secrets. They had the opportunity to
24 depose our expert for a day. They didn't ask any details
25 about the trade secrets.

10:27:52

1 So they're getting what amounts to basically a third
2 bite at the apple; and under those circumstances, we think it
3 would be appropriate for the plaintiff to be able to file a
4 supplement to the expert report based on the recently provided
5 identification of trade secrets to precede the defendant's
6 motion and the -- and their -- whatever they're going to do
7 with their expert.

8 THE COURT: Well --

9 MS. ARMSTRONG: May I respond, Your Honor?

10 THE COURT: No, you don't need to respond. I've had
11 enough written arguments on this case. There's enough paper
12 here to pile up to the ceiling.

13 I'll hew to my order. I could say a lot more, but
14 I'm going to be nice this morning.

15 Thank you.

16 MR. DONOHUE: Thank you.

17 (Which were all the proceedings heard.)

18 CERTIFICATE

19 I certify that the foregoing is a correct transcript from
20 the record of proceedings in the above-entitled matter.

21 /s/Kathleen M. Fennell

May 9, 2019

22 _____
23 Kathleen M. Fennell
Official Court Reporter

Date